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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,281	12/18/2001	Barry S. Bosik	2000-0674A	8088

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,281

Applicant(s)

BOSIK ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-12, 14 and 15 are rejected under 35 U.S.C. §

102(e) as being anticipated by Dolan et al, U.S. Patent

Application Publication No. 2003/0142807 (hereinafter Dolan).

Regarding claim 1, Dolan discloses a call management system (see Figure 1) that manages an incoming call of a subscriber (22) having an on-line data network (26) capability, said system comprising:

a memory (29) that stores subscriber preferences to provide a basis to manage incoming calls (paragraph 0038);

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a network presence server that accesses the network to ascertain an online status of the subscriber (paragraph 0041);

a call waiting server that indicates an incoming call to the subscriber when logged on the network (see Figure 2);

a call transfer server that forwards an incoming call according to a forwarding number (see Figure 2);

a voicemail server that prompts a calling party to leave a message (see paragraph 0029);

a controller responsive to the online status of the subscriber to effect handling of the incoming call by at least one of the call waiting server, call transfer server, and voicemail server according to preferences stored in the memory (see Figure 13 and paragraph 0041).

Regarding claim 2, see Figure 2.

Regarding claim 3, see Figure 1.

Regarding claim 4, see Figure 13.

Regarding claim 5, see paragraphs 0038-0041.

Regarding claim 6, see Figure 2.

Regarding claim 7, see Figure 13.

Regarding claim 8, see paragraph 0041.

Regarding claim 9, see Figure 2.

Regarding claim 10, see Figure 11.

Regarding claim 11, see Figure 11.

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Regarding claim 12, Dolan discloses a call management system (see Figure 1) that handles an incoming call of a subscriber having an on-line Internet capability, said system comprising:

- a database that stores subscriber preferences that provides directives for handling the incoming call (see Figure 13);

- a network presence server that accesses the Internet to ascertain an online status of the subscriber (paragraph 0041);

- a call waiting server, responsive to at least one of a subscriber preference and said network presence server, to activate an options selection menu at a terminal of the subscriber in response to an incoming call when the subscriber is online (see Figure 2);

- a call transfer server, responsive to at least one of a subscriber preference and said network presence server, to forward an incoming call to a forwarding number (see Figure 4);

- and a voicemail server, responsive to at least one of a subscriber preference and said network presence server, to prompt a calling party to leave a message (see paragraph 0029),

wherein said servers comprise respective software modules executed by at least one data processing device that is co-located with a local exchange network of a service provider (see Figure 2).

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Regarding claim 14, Dolan discloses a call management system (see Figure 1) that handles an incoming call of a subscriber having an on-line Internet capability, said system comprising:

- a database that stores subscriber preferences that provides directives for handling the incoming call (see Figure 13);

- a network presence server that accesses the Internet to ascertain an online status of the subscriber (paragraph 0041);

- a call waiting server, responsive to at least one of a subscriber preference and said network presence server, to activate an options selection menu at a terminal of the subscriber in response to an incoming call when the subscriber is online (see Figure 2);

- a call transfer server, responsive to at least one of a subscriber preference and said network presence server, to forward an incoming call to a forwarding number (see Figure 4);

- and a voicemail server, responsive to at least one of a subscriber preference and said network presence server, to prompt a calling party to leave a message (see paragraph 0029),

wherein said servers comprise respective software modules executed by a data processing device located with a terminal of the subscriber (see Figure 2).

Regarding claim 15, see paragraphs 0038-0041.

Response to Arguments

3. Applicant argues Dolan fails to show a network presence server that accesses the network to ascertain an online status of the subscriber. Applicant further alleges Dolan does not teach a controller responsive to the online status of the subscriber to effect handling of the incoming call by at least one of the call waiting server, call transfer server, and voicemail server according to preferences stored in the memory. Examiner respectfully disagrees. Dolan teaches the system only answers calls for the client when the client's telephone is busy and he is logged on the Internet (see paragraph 0041). Additionally, Dolan discloses the central server 29 stores the profile of the subscriber's rules for treatment of incoming calls (paragraph 0038). For these reasons, Dolan teaches the claimed controller and network presence server.

Applicant also disputes Dolan does not show the claimed software limitations. Examiner respectfully disagrees. Applicant's specification indicates the DTE 20 includes a software module 35 to enable the subscriber to select options for handling incoming calls. Similarly, Dolan teaches the subscriber's device desktop (e.g. computer) 23 & 24 include a control panel for handling incoming calls (paragraph 0025). Therefore Dolan discloses the claimed software limitations.

Conclusion

4. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be

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reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
March 16, 2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600